

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

GUIDELINES FOR FILING DOCUMENTS

These guidelines are established pursuant to Local Bankruptcy Rule 5005-4 and the Order Adopting Case Management / Electronic Case Files (CM/ECF) Administrative Procedures, Amended March 1, 2004. The provisions below shall govern in the event of any conflict with a local rule or general order.

I. ELECTRONIC FILING

A. Format

A document, except a creditor mailing matrix, filed electronically must be submitted as a Portable Document Format (“PDF”) file. Such files may be created by using Adobe® Acrobat® software or through certain other software for word processing and scanning of documents. In creating the PDF file, the “Document Security” must be set to the “No Security” default setting in order for the PDF document to be accepted by the CM/ECF system.

B. File Size of Documents

Document files must be no larger than 2 megabytes (MB) in size. An ECF User should check the size of the file prior to attempting to upload it in the CM/ECF system. Generally, 40 pages of text converted from a standard word processing format to a PDF image should not exceed 2 MB. However, a PDF file created through scanning a document or by inserting additional pages that have been scanned may result in a file exceeding 2 MB. In particular, scanning a document with graphics or dark areas will significantly affect file size. A file exceeding the 2 MB limit must be broken into smaller sections and uploaded as consecutively numbered attachments to the main document. (For further information on scanning and file size, please check the technical assistance available at the court’s website.)

C. Image Size

Individual pages of document files must not exceed 8.5 x 11 inches. An ECF User should check the page sizes prior to attempting to upload the PDF in the CM/ECF system. PDF files with pages exceeding the 8.5 x 11 inch limit must be modified before uploading. (For further information on how to modify page size, please check the technical assistance available at the court’s website.)

D. Name of Docket Entry

An ECF User shall select the most appropriate description of the type of document from the docketing event list. An ECF User should call the ECF Help Desk for assistance if the type of document to be filed does not appear as a selection. If appropriate, additional text should be entered to clarify the purpose or details of the document. For example, a motion to sell should describe the property to be sold, as in “Motion to Sell *Real Property at 1132 Bishop Street, Honolulu, Hawaii.*”

E. Single Docket Entry

All documents with exhibits and attachments capable of electronic imaging and filing shall be filed together as a single docket entry. Related documents generally signed by the filing individual, such as supporting memoranda, declarations, etc., may be filed separately but, if available for filing at the same time, should be filed as attachments to the underlying document in a single docket entry. Pursuant to the local rules, a notice of hearing must be filed as a separate document and must be docketed separately.

F. Attachments and Exhibits

1. Identification of attachments. Each attachment to a document must be concisely but adequately identified in additional text. E.g.: *Declaration of Jane Doe in Support of Motion*. A large document being broken down to 2 or more smaller sized attachments should clearly identify the sections. E.g.: *Memorandum in Support - Part 1; Memorandum in Support - Part 2*, etc. Documents related to a motion or other pleading which are not available for attachment to the main document may be filed later as a separate document. E.g.: *Declaration of Jane Doe* (relating it to the underlying motion and/or other pleading).
2. Compound documents. As an alternative to attaching separate documents to a main document, a series of related documents may be filed together as a single PDF file, subject to the 2 MB size restriction of the file. E.g.: *Motion with Memorandum in Support; Declaration of Luke Lender; Declaration of Jane Doe*.
3. Relevant excerpts only. An exhibit to an electronic filing shall include only excerpts of the referenced document that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. A party filing excerpts of a document under this provision does so without prejudice to the right to file timely additional excerpts or the complete document. A responding party may file timely additional excerpts or the complete document that the party believes to be directly germane to the subject matter.

G. Related Documents

When prompted as part of an electronic filing, an ECF User must relate (reference and create a link) a document being filed to prior relevant documents. In particular, a document must always be related to an underlying motion or application, or objection to claim or exemption. A document should be related to the primary documents that pertain directly to the document being filed. E.g., a declaration filed in support of an opposition to a motion should be related to both the motion and the opposition. For further explanation and examples, see the Guidelines for Relating Documents at the court's website.

H. Mailing Matrix

1. Creditor upload. The names and addresses of creditors and other entities to be given notice of the bankruptcy case must be contained in an ASCII Text (.txt) file for uploading. For further information as to format and style conventions, see the Mailing Matrix Guidelines, posted at the court's website. When uploading an amended matrix, the .txt file must contain only the additional names and addresses.

2. List of creditors. When a case is opened through ECF without the submission of schedules D, E, and F, a list of creditors must be filed with the petition, in addition to the uploading of creditors in the database. If all the required schedules are submitted at case opening, an image of the names and addresses of creditors is requested but not required.

I. Payment of Filing Fees

1. Mandatory use of credit card program. Unless the court directs otherwise, filing fees due for the electronic filing of documents through the Internet shall be paid through the U.S. Treasury Internet credit card program. It is the ECF User's responsibility to maintain a credit limit adequate to cover all filing fees due. (Note: The \$225 assessment for a pro hac vice appearance is not a filing fee and must be paid by check sent to the court. See the Notice Regarding Pro Hac Vice Applications.)
2. Filings: Before 6:00 p.m. For filings made prior to 6:00 p.m. HST, an ECF User may select "Pay Now" or "Continue Filing" on the payment screen. If "Continue Filing" has been selected so as to pay multiple filing fee events with a single payment, the payment for all fees due shall be made not later than 6:00 p.m. HST of the same calendar date.
3. Filings: After 6:00 p.m. For filings after 6:00 p.m. HST, credit card payment must be made prior to 6:00 p.m. of the next calendar day.
4. Deferral / Waiver of Fees. An ECF User who believes that the fee for a particular event may be deferred or waived by the court must file a separate request for such deferral or waiver at the time of filing the document requiring a fee.

II. **FILING OF PAPER DOCUMENTS**

A. Paper Quality

Documents must be printed on white, unglazed, opaque, medium weight (20 lb.) paper capable of producing a good quality image when scanned using the court's equipment and software. Text must not be highlighted as it affects the scanned image.

B. Paper Size

All documents, including exhibits to be filed with the court, must be on standard letter size (8.5" x 11") paper. The filing party is responsible for reducing larger size documents to the standard letter size and for copying smaller size documents on standard letter size sheets of paper. (Note: Exhibits submitted solely for use at a trial or evidentiary hearing are excepted from this guideline.)

C. Assembly

Documents submitted for filing shall be bound only by binder clips or clamps. Documents shall not be bound by staples, prong fasteners or standard metal or plastic paper clips. Documents, other than trial exhibits or courtesy copies for judges and law clerks, may not contain tabs. Exhibits may be marked by noting the exhibit letter or number at the bottom of the first page of the exhibit or by including a separation sheet marked with the exhibit letter or number.

D. Text and Margins

The local rules with respect to font size and style and margins do not apply to Official and Procedural Bankruptcy Forms, local forms (generally identified by a form ID at the bottom of the document), and any other papers as directed by the court.

E. Length

A document exceeding 40 pages must be separated into 2 or more parts. Multiple parts of a separated document shall be identified, for example, as being “Part 1 of 3,” “Part 2 of 3”, and “Part 3 of 3.” A document should attach only the germane part of an exhibit rather than the entire exhibit, without prejudice to the filing party’s right to file a supplemental or complete exhibit, or to a responding party’s right to file an alternate or more complete exhibit.

F. Number of Copies

Only the original document need be presented for filing, in addition to any copies being returned to the filing party. However, an additional copy will be required if the filing is for a hearing within 5 days or if requested by the judge.

G. Related Documents

If the document being filed is related to a prior filed document, such as a motion or application, or objection to claim or exemption, the cover page should include the reference: “*Related Docket No.:* _____.”

H. Mailing Matrix

The names and addresses of creditors and other entities requiring notice of the bankruptcy case must be submitted as an ASCII Text (.txt) file on a computer diskette or CD. For further information as to format and style conventions, see the Mailing Matrix Guidelines, posted at the court’s website. When amending the matrix, the debtor must submit a .txt file that contains only the names and addresses of the additional parties. A debtor not represented by an attorney and who did not receive assistance from a bankruptcy petition preparer may file a mailing matrix on paper.

I. Non-Storage of Paper Documents

Because the official record consists of the electronic images of documents stored in the court’s system, the court may dispose of paper documents immediately after scanning and docketing.

III. COMMON PROCEDURES

A. Filings for Hearings Within 5 Days

A party filing a document in a matter to be heard by the court within 5 days must advise the judge's chambers of the filing by calling (808) 522-8111 or by e-mailing chambers@hib.uscourts.gov. In addition, if the document is being filed on paper, the filing party must provide an additional copy marked "Chambers Copy" in the upper right corner.

Important! Nothing in this procedure is intended to excuse or permit the late filing of a document. The court may disregard any untimely opposition or reply memoranda or impose other appropriate sanctions. LBR 9013-1(b)(5).

B. Emergency Motions

An emergency motion or other matter requiring expedited attention by the court, such as an application for a temporary restraining order, or a motion for a protective order or for shortening time, requires prompt notice to chambers staff. The moving party must contact the courtroom deputy by telephone at (808) 522-8100 ext. 111 or by e-mail at calendar@hib.uscourts.gov, or the judge's chambers at chambers@hib.uscourts.gov, to alert the court to the filing and emergency nature of the motion.

C. Sealed Documents

1. Sealing and Redaction. An order authorizing the filing of a document under seal must be obtained whether the document will be completely sealed or whether the document entered on the docket contains redactions not made on a copy provided to the judge. Motions and memoranda of law may include redacted text or figures but should not be sealed in their entirety. To the extent feasible, confidential information should be placed in exhibits, separate from the description of the relief being requested and any legal argument.
2. Motion to Seal. Filing a document under seal requires a court order. A motion to file one or more documents under seal may be filed electronically or on paper. If filed through ECF, the filing party must promptly advise chambers staff of the motion by telephone at (808) 522-8100 ext. 111 or by e-mail at calendar@hib.uscourts.gov or chambers@hib.uscourts.gov. A proposed order should not be attached to the motion. The proposed order should be delivered to the judge's chambers in paper form or via e-mail to orders@hib.uscourts.gov.
3. Filing Sealed or Redacted Documents. Pursuant to an order granting a motion to seal, a party wishing to file a document under seal must provide the copies described below. Each copy must have a cover page with the full case caption, identity of the filing party, title of the document, and reference to the sealing order (e.g., "***Filed under seal pursuant to order entered June 1, 2004***"). The cover page should also state either "***Material redacted***" or "***Entire document under seal***".

- a. **Docket Copy** (redacted version or cover page). Because the court must maintain a record of all documents, including those sealed, the filing party must submit a copy suitable for entry in the public record. This may be either a redacted version of the document or the above-described cover page. This copy should be filed electronically through the court's ECF system prior to the delivery of the sealed versions to the court. When docketing this copy via ECF, the filer should include descriptive docket text such as ***"redacted (or sealed) pursuant to order entered June 1, 2004; complete version submitted under seal."*** If not filed electronically, this copy to be entered in the public record must be submitted on paper with the other two copies described below.
- b. **Clerk's Copy** (complete version under seal). The filing party must deliver a complete version of the sealed or redacted document with original signature(s) in a sealed envelope and the notation ***"Original"*** on the cover page. If the redacted copy for the docket was filed electronically through ECF, the Clerk's copy should also be noted: ***"A redacted copy of this document has been docketed via ECF as Dkt. No. _____"***. If the court subsequently unseals the document, this version will replace the copy used for the initial docketing.
- c. **Judge's Copy** (complete version under seal). The filing party must deliver a complete version of the sealed or redacted document in a sealed envelope with the notation ***"Judge's Copy"*** on the cover page. This copy will be destroyed upon disposition of the underlying matter.

D. **Proposed Orders**

Proposed orders must be submitted directly to judges' chambers by delivering a copy on paper or by e-mail to orders@hib.uscourts.gov. See the Guidelines for Submission of Proposed Orders. A proposed order attached to a document filed electronically using ECF will be considered to be an exhibit and will not be forwarded to chambers.